

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

**FILED**

OCT 28 2011

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature] DEPUTY CLERK

ALEX PACHECO,  
Plaintiff,

v.

FREEDOM BUICK GMC TRUCK, INC.,  
Defendant.

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MO-10-CV-116

**ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

BEFORE THE COURT is Defendant's Motion for Summary Judgment and Supporting Brief (Doc. No. 16), Plaintiff's Response to Defendant's Motion for Summary Judgment and Supporting Brief (Doc. No. 21), and Defendant's Reply Brief in Support of Its Motion for Summary Judgment (Doc. No. 31). After consideration of the pleadings, motion, and summary judgment record, the Court is of the opinion that Defendant's motion should be denied because the Court finds a genuine issue of material fact. Accordingly,

**IT IS ORDERED** that Defendant's Motion for Summary Judgment and Supporting Brief (Doc. No. 16) is hereby **DENIED**.

**IT IS SO ORDERED.**

SIGNED on this 28 day of October, 2011.

[Signature]  
**ROBERT JUNELL**  
United States District Judge  
Western District of Texas